

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:

CHERYL ANN SMITH

CASE NO: 10-70015-HDH-13

HEARING DATE: 10/20/2010

HEARING TIME: 10:00am

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND  
PLAN MODIFICATION (if required)**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification (if required) in accordance with Bankruptcy Rule 3007 and General Order 2009-03 and would respectively show unto to the Court as follows:

**I.**

**OBJECTION -- NO PROOF OF CLAIM FILED**

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf, as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

Trustee Clm#	Creditor Name	Scheduled Amount	Trustee Clm#	Creditor Name	Scheduled Amount
016 0 U	EXECUTIVE SERVICES	\$591.00	018 0 U	NCO-MEDCLR	\$30.00

**II.**

**SPECIFIC OBJECTIONS**

No Objections

**III.**

**TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS**

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

Trustee Claim #	Creditor	Collateral / Description	Claim Amount	Value	%	Term	Paid / Treated
<b><u>SECURED CREDITORS</u></b>							
008 0	WELLS FARGO AUTO FINANCE	2002 MONTE CARLO	\$7,239.89	\$8,500.00	9.00%	60	\$213.92 PAID BY TRUSTEE
	Extended term from 54 to 60 months. See modification below.						
009 0	BOA FKA COUNTRYWIDE HOME LENDING	MORTGAGE/2980 HENRY ST, FLINT MI	\$0.00	\$53,031.00			SURRENDERED
010 0	CITIBANK NA	HOME EQUITY LOAN/2980 HENRY ST, FLINT MI	\$22,304.36	\$21,900.00			SURRENDERED
011 0	AURORA LOAN SERVICES	DIRECT PMTS BEGIN 2-2010/1614 PHOENIX DR	\$65,951.84	\$68,212.00			PD DIRECT BY DEBTOR
012 0	WICHITA COUNTY	2010 PROPERTY TAXES/1614 PHOENIX DR	\$741.00	\$1,485.00			PD DIRECT BY DEBTOR
022 0 *	CITY VIEW INDEPENDENT SCHOOL DISTRICT	2010 PROPERTY TAXES/1614 PHOENIX DR	\$745.00	\$68,212.00			PD DIRECT BY DEBTOR
	Not provided for in confirmed plan. See modification below.						
035 0	AURORA LOAN SERVICES	ARREARS THR 1-14-2010	\$4,380.05	\$4,570.05	9.00%	60	\$90.26 PAID BY TRUSTEE
	Extended term from 54 to 60 months. See modification below.						

**UNSECURED GENERAL CREDITORS**

Trustee Clm#	Creditor Name	Claim Amount	Trustee Clm#	Creditor Name	Claim Amount
010 1 U	CITIBANK NA	\$404.36	013 0 U	ASSET ACCEPTANCE/BLAIR	\$583.74
	SPLIT CLAIM/HOME LOAN/2980 HENRY ST, FLINT MI				
014 0 U	CAPITAL ONE BANK USA	\$3,485.59	015 0 U	PURCHASES/BLAIR WORLD FINANCIAL CAPITAL BANK	
	PURCHASES				
				CHASE BANK USA	\$5,994.62
				PURCHASES	

If the Trustee's recommendation concerning any claim differs from the amount indicated in a creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely reponse or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtor that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtor's Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected creditor in the absence of a letter agreement between the Debtor and the affected creditor.

#### IV.

#### **TRUSTEE'S PLAN MODIFICATION**

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2009-03 Section 8, the Trustee requests the following Modification of Debtor's(s') Confirmed Plan, subject to feasibility herein:

Trustee's Modification is as follows:

All creditors shall be treated over a 60 month plan term.

The secured claim filed by City View ISD for \$745 shall be valued at \$68,212 and paid direct.

Debtor shall pay \$242 per month beginning February 2010 for 2 months; then Debtor shall pay \$318 per month beginning April 2010 for 7 months; then Debtor shall pay \$338 per month beginning November 2010 for the remaining 51 months for a total plan base amount of \$19,948.00.

/s/ Walter O'Cheskey

\_\_\_\_\_  
Walter O'Cheskey  
Chapter 13 Trustee

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 10/20/2010 AT 10:00am CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (IF REQUIRED) (TRCC) AT THE FOLLOWING LOCATION:

VIDEO: US COURTHOUSE ROOM 208, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT THE SAME LOCATION AT 8:30am. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL EFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2009-03 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

/s/ Walter O'Cheskey

---

Walter O'Cheskey  
Chapter 13 Trustee

I hereby certify that a copy of the foregoing Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Notice of Hearing and Pre-Hearing Conference on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

Date: 8/18/2010

/s/ Walter O'Cheskey

---

Walter O'Cheskey  
Chapter 13 Trustee

ASSET ACCEPTANCE/BLAIR PO BOX 2036 WARREN MI 48090  
AURORA LOAN SERVICES ATTENTION: CASHIERING PO BOX 173930 DENVER CO 80217  
AURORA LOAN SERVICES ATTN: BANKRUPTCY DEPT PO BOX 1706 SCOTTSBLUFF NE 69363  
BARRETT DAFFIN FRAPPIER TURNER & ENGEL LLP 1900 ST JAMES PLACE SUITE 500 HOUSTON TX 77056  
BOA FKA COUNTRYWIDE HOME LENDING ATTN BANKRUPTCY SV-314B PO BOX 5170 SIMI VALLEY CA 93062  
CAPITAL ONE 6125 LAKEVIEW ROAD, STE 800 CHARLOTTE NC 28269  
CAPITAL ONE BANK USA BY AMERICAN INFOSOURCE LP PO BOX 71083 CHARLOTTE NC 28272  
CHASE BANK USA PO BOX 15145 WILMINGTON DE 19850  
CHERYL ANN SMITH 1614 PHOENIX DR WICHITA FALLS TX 76306  
CITIBANK NA ATTN CENTRALIZED BANKRUPTCY PO BOX 20507 KANSAS CITY MO 64195  
CITIBANK NA PO BOX 140609 IRVING TX 75019  
CITIBANK NA PO BOX 6941 THE LAKES NV 88901  
CITY OF WF, WFLSD, WICHITA COUNTY CO PERDUE BRANDON FIELDER COLLINS & MOTT PO BOX 8188 WICHITA FALLS TX 76307  
CITY VIEW INDEPENDENT SCHOOL DISTRICT 1025 CITY VIEW LANE WICHITA FALLS TX 76306  
COLLECTION/CHASE ATTN BANKRUPTCY DEPARTMENT PO BOX 10587 GREENVILLE SC 29603  
EXECUTIVE SERVICES 1200 AUSTIN ST WICHITA FALLS TX 76301  
GE MONEY BANK C/O RECOVERY MANAGEMENT SYSTEMS CORP 25 SE 2ND AVE STE 1120 MIAMI FL 33131  
GMAC MORTGAGE LLC / BANKRUPTCY DEPT 4375 JUTLAND DRIVE SUITE 200 PO BOX 17933 SAN DIEGO CA 92177  
INTERNAL REVENUE SERVICE PO BOX 21125 PHILADELPHIA PA 19114  
INTERNAL REVENUE SERVICE PO BOX 21126 PHILADELPHIA PA 19114  
JEFFERSON CAPITAL SYSTEMS LLC PO BOX 7999 SAINT CLOUD MN 56302  
JEFFERSON CAPITAL SYSTEMS LLC PO BOX 953185 ST LOUIS MO 63195  
MONTE J WHITE ATTORNEY AT LAW 1106 BROOK AVE HAMILTON PLACE WICHITA FALLS TX 76301  
NCO-MEDCLR 507 PRUDENTIAL RD HORSHAM PA 19044  
PITE DUNCAN LLP 4375 JUTLAND DRIVE SUITE 200 PO BOX 17933 SAN DIEGO CA 92177  
PORTFOLIO RC ATTN BANKRUPTCY 120 CORPORATE BLVD SUITE 100 NORFOLK VA 23502  
PRA RECEIVABLES MANAGEMENT PORTFOLIO REC ASSOC PO BOX 41067 NORFOLK VA 23541  
PRA RECEIVABLES MANAGEMENT PORTFOLIO RECOVERY ASSOC PO BOX 12914 NORFOLK VA 23541  
RESURGENT CAPITAL SERVICES PO BOX 10587 GREENVILLE SC 29603  
UNITED STATES ATTORNEY 801 CHERRY STREET UNIT 4 FT WORTH TX 76102  
US ATTORNEY ATTORNEY IN CHARGE 1100 COMMERCE STREET SUITE 300 DALLAS TX 75242  
US ATTORNEY GENERAL 10TH ST & CONSTITUTION AVE WASHINGTON DC 20530  
WELLS FARGO AUTO FINANCE PO BOX 500 MAC F 6582034 CHESTER PA 19013  
WELLS FARGO FINANCIAL TEXAS INC BANKRUPTCY DEPARTMENT 13675 TECHNOLOGY DRIVE BLDG C 2ND FLOOR EDEN PRAIRIE MN 55344  
WELLS FARGO FINANCIAL TEXAS PO BOX 60510 LOS ANGELES CA 90060  
WICHITA COUNTY PO BOX 1471 WICHITA FALLS TX 76307  
WILLIAM T NEARY UNITED STATES TRUSTEE 1100 COMMERCE STREET RM 976 DALLAS TX 75242  
ZENITH ACQUISITION 220 JOHN GLENN DR #1 AMHERST NY 14228